



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: P. Goelet, *et al.*

Art Unit: 1643

Appl. No. 09/258,132

Examiner: Unassigned

Filed: February 26, 1999

Attorney Docket: 04990.0007.US01

For: **NUCLEIC ACID TYPING BY
POLYMERASE EXTENSION OF
OLIGONUCLEOTIDES USING
TERMINATOR MIXTURES**

**Response To Notice To File
Missing Parts Of Application
Filing Date Granted**

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTN: Box Missing Part

Sir:

In response to the **Notice to File Missing Parts of Application--Filing Date Granted** dated March 24, 1999, Applicant submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Copy of the Notice to File Missing Parts;
- ☒ Copy of the Utility Patent Application Transmittal;
- ☒ Check number 310248 in the amount of \$1643; and
- ☒ Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

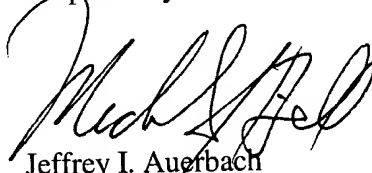
The Notice to File Missing Parts of Application--Filing Date Granted lists fees for a non-small entity despite the fact that that small entity statement was filed with the prior application and the Status is still proper and desired, as indicated on the enclosed

copy of the Utility Patent Application Transmittal form. It is therefore believed proper that the fees are calculated as follows:

Basic filing fee under §1.16(a)	\$380
2 Independent claims in excess of three under §1.16(b)	2 X \$39 = \$78
110 Claims in excess of twenty under §1.16(c)	110 X \$9 = \$990
Multiple dependent claim surcharge under §1.16(d)	\$130
<u>Late filing fee surcharge under §1.16(e)</u>	<u>\$65</u>
TOTAL	\$1643

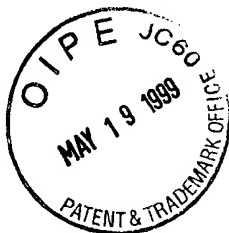
If extensions of time under 37 C.F.R. §1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to Howrey & Simon Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,


Jeffrey I. Auerbach
Registration No 32,680

Reg No 32,604
JS

HOWREY & SIMON



May 19, 1999

Sectoy

Attorneys at Law
1299 Pennsylvania Ave., NW
Washington, DC 20004-2402
(202) 783-0800
FAX (202) 383-6610

Jeffrey I. Auerbach
(202) 383-7451
auerbachj@howrey.com

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: Appl. No. 09/258,132; Filed: 02/26/99
For: **Nucleic Acid Typing By Polymerase Extension of
Oligonucleotides Using Terminator Mixtures**
Inventors: P. Goelet, *et al*
Our Ref: 04990.0007.US01

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

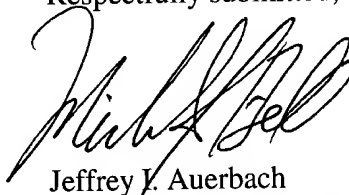
1. Notice to File Missing Parts of Application;
2. Reply to the Notice to File Missing Parts of Application;
3. Copy of Utility Patent Application Transmittal;
4. Check Number 310248 in the amount of \$1,643; and
5. Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Assistant Commissioner for Patents
May 19, 1999
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Respectfully submitted,

 Reg. No. 32,680
Jeffrey I. Auerbach
Registration No. 32,680

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/258,132	02/26/99	GOELET	P 04990.0007.U

JEFFREY I AUERBACH
HOWERY & SIMON
1299 PENNSYLVANIA AVENUE NW
BOX 34
WASHINGTON DC 20004-2402



NOT ASSIGNED

1643

DATE MAILED:

03/24/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 3286.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 1980.00 for 110 total claims over 20.

\$ 156 for 2 independent claims over 3.

\$ 260.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer/Service Center
Initial Patent Examination Division (703) 308-1202

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Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (2/98)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(h))</small>		Attorney Docket No. 04990.0007.US01	
		First Named Inventor or Application Identifier Philip Goelet et al	
		Title	Nucleic Acid Typing by Polymerase Extension of Terminator Mixtures
		Express Mail Label No.	

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents</small>	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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<p>1. <input checked="" type="checkbox"/> *Fee Transmittal Form (Form PTO-1082) <small>(Submit an original and a duplicate for fee processing)</small></p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages 61] <small>(preferred arrangement set forth below)</small></p> <ul style="list-style-type: none">- Descriptive title of the Invention- Cross References to Related Applications- Statement Regarding Fed sponsored R&D- Reference to Microfiche Appendix- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claims- Abstract of the Disclosure <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 8]</p> <p>4. Oath or Declaration [Total Pages 4]</p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 17 completed) [Note Box 5 below]</small></p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></p> <p>5. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p>	<p>6. <input type="checkbox"/> Microfiche Computer Program (Appendix)</p> <p>7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Copy</p> <p>b. <input type="checkbox"/> Paper Copy (identical to computer copy)</p> <p>c. <input type="checkbox"/> Statement verifying identity of above copies</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">ACCOMPANYING APPLICATION PARTS</div> <p>8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small></p> <p>10. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Two) <small>(should be specifically itemized)</small></p> <p>14. <input type="checkbox"/> *Small Entity Statement(s) <input checked="" type="checkbox"/> Statement filed in prior application, Status still proper and desired</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small></p> <p>16. <input type="checkbox"/> Other:</p> <div style="font-size: small; margin-top: 10px;">*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).</div>
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17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 07/664,837

Prior Application Information: Examiner: Arthur, L. Group/Art Unit: 1634

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label or ☒ Correspondence address below
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Name (Print/Type)	Registration No. (Attorney/Agent)	32,680	
Signature		Date	2/26/99